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Date: March 30, 2006

To:	<b>Commissioner for Patents</b>	From:	Paul D. Durkee, Esq.
Examiner:	Ramy M. Osman		
Group Art:	2157		
Company:	U.S. PTO		
<b>Facsimile Number: 571-273-8300</b>			
Telephone Number:			

**MESSAGE**

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RE: U.S. Patent Application of Stephen M. Howard, et al.  
Entitled: Data Backup System Having A Flexible Restore Architecture  
Filed on: January 25, 2001  
**U.S. Appl. No.:** 09/769,604  
Our Ref. No.: EMC-002PUS

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number	09/769,604
Filing Date	January 25, 2001
First Named Inventor	Stephen M. Howard
Art Unit	2157
Examiner Name	Ramy M. Osman
Total Number of Pages In This Submission	3
Attorney Docket Number	EMC-002PUS

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Substance of Interview
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		
In the event a petition for extension of time is required by this paper and not otherwise provided, such petition is hereby made and authorization is provided herewith to charge deposit account No. 50-0845 for the cost of such extension.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Daly, Crowley, Mofford & Durkee, LLP	USPTO Customer No. 51576
Signature		
Printed name	Paul D. Durkee	
Date	30 Mar 06	Reg. No. 41,003

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Trish A. McHugh

Date

3-30-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/769,604 Confirmation No.: 4397  
Applicant : Stephen M. Howard, et al.  
Filed : January 25, 2001  
T.C./A.U. : 2157  
Examiner : Ramy M. Osman  
  
Docket No. : EMC-002PUS  
Customer No. : 51576

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being transmitted via facsimile to Commissioner for Patents at 571-273-8300 or deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

3/30/06

Date of Signature  
and Mail Deposit

By: Trish A. McHugh  
Trish A. McHugh

SUBSTANCE OF INTERVIEW

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Interview Summary mailed on March 10, 2006, a statement of the substance of the telephone call with the Examiner on February 28, 2006 is set forth below.

Appl. No. 09/769,604  
Reply to Advisory Action dated March 10, 2006

Docket No. EMC-002PUS

In a brief telephone call on February 28, 2006, the clarity of the third paragraph of the Final Office mailed on December 25, 2005, was discussed. Examiner asserted the paragraph was clear. No agreement was reached.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

Dated: 30 Mar 06

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: Paul Durkee

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